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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/667,637

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G. Victor Guyan

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07/06/2004

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EXAMINER

FRENEL, VANEL

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/667,637

Applicant(s)

GUYAN ET AL.

Examiner

Vanel Frenel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/14/04 has been entered.

### **Notice to Applicant**

2. This communication is in response to the RCE filed on 06/14/04. Claims 1-33 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowse et al (2002/0072935) in view of Montagna et al (4,899,292).

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(A) As per claim 1, Rowse discloses a method for capture, evaluation and fulfillment of line item level data, the method comprising steps performed by a data processing system (Page 7, Paragraphs 0094-0097), of:

capturing at least one line item data in an insurance host server (Page 3, Paragraphs 0043-0044).

Rowse does not explicitly disclose evaluating the line item data during the processing of an insurance claim; enabling the selection of a payment type; and fulfilling the payment of a line item on the evaluation of the line item data.

However, this feature is known in the art, as evidenced by Montagna. In particular, Montagna suggests evaluating the line item data during the processing of an insurance claim (Col.5, lines 63-68 to Col.6, line 16; Col.13, lines 7-53); enabling the selection of a payment type (Col.13, lines 7-53); and fulfilling the payment of a line item on the evaluation of the line item data (See Montagna Col.13, lines 7-68 to Col.14, line 68).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Montagna within the system of Rowse with the motivation of providing a system for storing and retrieving document text, worksheets and associated data and graphics, which system automatically indexes a variety of graphics relating to a document and permits convenient and rapid selection and display of the associated graphics (See Montagna, Col.2, lines 48-52).

(B) As per claim 2, Rowse discloses the method wherein the step of capturing comprises the steps of: receiving claim identification information from a claimant, said claim identification information comprising, at least, one line level (Page 6, Paragraph 0078); providing a client with an item tree of line item level data based on the line level and aggregating line item level data collected from the claimant (Page Page 7, Paragraphs 0094-0097); storing the line item level data in the insurance host server (Page 5, Paragraphs 0068-0072).

(C) As per claim 3, Montagna discloses the method wherein the step of evaluating the line item data comprises the steps of

displaying at least one line item from the insurance host server (Col.13, lines 7-68 to Col.14, line 68); receiving a selection of at least one line item from a claim handler (Col.13, lines 7-68 to Col.14, line 68); and

receiving authorization from the claim handler to execute payment of the selected line item, wherein said authorization is for a payment in a form comprising a direct payment, vendor transfer, line item payment, or preauthorized payment (Col.13, lines 7-68 to Col.14, line 68).

(D) As per claim 4, Rowse discloses the method wherein the step of fulfilling comprises the steps of: maintaining a vendor database on the insurance host server (Page 2; Paragraphs 0042-0046); placing at least one order for at least one line item

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from the insurance host server to a vendor (Page 4, Paragraphs 0064-0068); and tracking the order on the insurance host server (Page 5, Paragraphs 0070-0072).

(E) As per claim 5, Rowse discloses the method wherein the step of maintaining a vendor database further comprises the step of entering vendor information in the vendor database (Page 2, Paragraphs 0042-0046).

(F) As per claim 6, Rowse discloses the method wherein the step of maintaining a vendor database further comprises the step of editing vendor information in the vendor database (Page 5, Paragraphs 0070-0077).

(G) As per claim 7, Rowse discloses the method wherein the step of maintaining a vendor database further comprises the step of upgrading a vendor to a preferred vendor in the vendor database (Page 6, Paragraphs 0079-0086).

(H) As per claim 8, Rowse discloses the method wherein the step of placing at least one order further comprises the step of faxing an order to a vendor (Page 2, Paragraphs 0042-0050; Page 4, Paragraphs 0060-0065).

(I) As per claim 9, Rowse discloses the method wherein the step of placing at least one order further comprises the step of emailing an order to a vendor (Page 1,

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Paragraphs 0007-0009; Page 2, Paragraphs 0042-0050; Page 4, Paragraphs 0060-0065).

(J) As per claim 10, Rowse discloses the method wherein the step of placing at least one order further comprises the step of placing an order on a web server for vendor access (Page 2, Paragraphs 0042-0050; Page 4, Paragraphs 0060-0065).

(K) As per claim 11, Rowse discloses the method wherein the step of placing at least one order further comprises the step of placing an order with a vendor by electronic data interchange (Page 2, Paragraphs 0042-0050; Page 4, Paragraphs 0060-0065).

(L) As per claim 12, Rowse discloses a system for capturing line item data (Page 7, Paragraphs 0094-0097) comprising: a processor for executing programs (Page 2, Paragraph 0042-0044); a memory for storing a program executable by the processor, the stored program including instructions for (i) capturing at least one line item data in an insurance host server (Page 6, Paragraphs 0080-0087).

Rowse does not explicitly disclose evaluating the line item data during the processing of an insurance claim; fulfilling the payment of a line item based on the evaluation of the line item data; and a user interface for enabling the selection of a payment type associated with said at least one line item.

However, this feature is known in the art, as evidenced by Montagna. In particular, Montagna suggests evaluating the line item data during the processing of an

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insurance claim (Col.5, lines 63-68 to Col.6, line 16; Col.13, lines 7-53); fulfilling the payment of a line item based on the evaluation of the line item data (See Montagna Col.13, lines 7-68 to Col.14, line 68); and a user interface for enabling the selection of a payment type associated with said at least one line item (See Montagna Col.13, lines 7-68 to Col.14, line 68).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Montagna within the system of Rowse with the motivation of providing a system for storing and retrieving document text, worksheets and associated data and graphics, which system automatically indexes a variety of graphics relating to a document and permits convenient and rapid selection and display of the associated graphics (See Montagna, Col.2, lines 48-52).

(M) Claim 23 differs from claims 1 and 12 by reciting a computer readable medium containing instructions for controlling a computer system to perform a method for capturing, evaluating, and fulfilling line item data, the method comprising:

As per this limitation Rowse discloses capturing at least one line item data in an insurance host server (Page 6, Paragraphs 0080-0087) and Montagna discloses evaluating the line item data during the processing of an insurance claim (Col.5, lines 63-68 to Col.6, line 16; Col.13, lines 7-53); enabling the selection of a payment type (See Montagna Col.13, lines 7-68 to Col.14, line 68); and fulfilling the payment of a line item based on the evaluation of the line item data (See Montagna Col.13, lines 7-68 to Col.14, line 68).



Thus, it is readily apparent that these prior art systems utilize a computer readable medium containing instructions for controlling to perform their specific function.

The remainder of claim 23 is rejected for the same reason given above for claims 1 and 12, and incorporated herein.

(N) Claims 13-22 and 24-33 recite the underlying process steps of the elements of claims 2-11, respectively. As the various elements of claims 2-11 and have been shown to be either disclosed by or obvious in view of the collective teachings of Rowse and Montagna, it is apparent that the apparatus disclosed by the applied prior art performs the recited underlying functions. As such, the limitations recited in claims 13-22 and 24-33 are rejected for the same reasons given above for method claims 13-22 and 24-33, and incorporated herein.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches computerized system and method for work management.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on 6:30am-5:00pm.

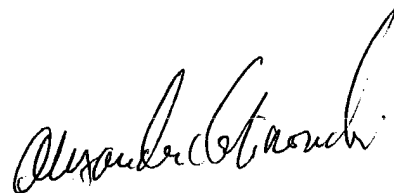
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

V.F

V.F

June 27, 2004



**ALEXANDER KALINOWSKI**  
**PRIMARY EXAMINER**